

PROPOSED
Format
December Report
Due Process and Child complaint Data

BACKGROUND

In December 2004, DESE provided Due Process and Child Complaint data to the SEAP. Then Chairperson Joe Satoris asked the Monitoring Committee to review the data and recommend a standard format for DESE to present this data to the SEAP each December. After a confusing year of membership and charge, the Monitoring Committee met by conference call on January 6, 2006 to review the December 2004 data and suggest data to be provided. A list of data requested was provided to DESE following the conference call. On February 16, 2006, DESE provided the committee data in a variety of formats to review. The committee found several issues with the data including differing totals and met with Pam Williams (then head of the Compliance Section) to discuss these concerns. On April 14, 2006, the committee again met by conference call and determined a basic list of needed data. On April 20, 2006, DESE provided revised data which cleared up most of the concerns expressed by the committee. On June 2, 2006, the committee again met by conference call and recommends the following.

DUE PROCESS DATA

Split Table 7: Due Process Status by Fiscal Year Filed into two (2) separate tables.

Table A: The first showing the requests filed each fiscal year and their current resolution/disposition.

Table A: Due Process Status by Fiscal Year Filed

	SFY02	SFY03	SFY04	SFY05	SFY06
Total Received	70	96	96	88	
Consolidated	2	0	2	0	
Dismissal	2	7	13	5	
Total Hearing decisions	11	14	13	10	
Mediation Successful - Withdrawn	(6) 5	(8) 6	(11) 6	(19) 3	
Parties Settled, settlement ordered	4	5	1	3	
Withdrawn	46	64	58	60	

Pending	0	0	3	8	
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In the row "Mediation Successful - Withdrawn," the number of mediations attempted is shown in parenthesis. This will provide the number of Mediations attempted as compared to those which resulted positively and were withdrawn without resorting to another table.

A second table can be formulated for Expedited hearings, but may not require all the possible dispositions. Example, expedited hearings should probably not be pending. The data indicates for the past four (4) years, a total of twelve (12) expedited hearings were requested, but only one (1) resulted in a decision. A table 8 for these may show some interesting data (see discussion below on Table 8).

Table B: The second table will convey the information as to the fiscal year within which the decisions were rendered.

Table B: Due Process Hearing Decisions by Fiscal Year Decision rendered

	SFY02	SFY03	SFY04	SFY05	SFY06
Total Hearing Decisions	11	14	13	10	
Decision rendered SFY 02	6				
Decision rendered SFY03	4	8			
Decision rendered SFY04	1	6	5		
Decision rendered SFY05			6	6	
Decision rendered SFY06			2	4	
Decision rendered SFY07					

The above table provides general data on the length of time taken to receive decisions on those requests which resulted in decisions. Summary Report - Due Process request Timelines provides a little more data as to the number of extensions granted and to which party but again only reports those which resulted in a hearing decision. The vast majority of requests are withdrawn and extensions may also play a role here as well. It is the committee's understanding that hearing panels are impaneled within ten (10) working days of a request. Therefore, DESE knows how many hearing panels are impaneled. There should be a means by which DESE receives notice of the granting of extensions and to which party for even those which result in one of the other six (6) resolutions/dispositions. Such data will require further development for future reports.

Table 8: Due Process Initiated By indicates that data does not seem to be available for SFY02 and incomplete SFY03, but does seem to be data collected by DESE the following fiscal years (SFY04 and SFY05). The committee assumes this data is still collected. The committee requests an explanation of the incomplete data for SFY02 and SFY03. The committee recommends this data should continue to be collected and reported.

Table 8a: Expedited Due Process Initiated By also seems to be incomplete for SFY 02 and SFY03 and an explanation is requested. Of the twelve (12) expedited hearings requested, the one (1) which resulted in a hearing decision was in SFY02 which is incomplete data. Therefore, the committee cannot determine any more about the data. The other eleven hearings requested (4 unknown, 6 by parents, 1 by LEA), were withdrawn. The data does not provide any information about why they were withdrawn.

Withdrawals continue to be a majority of the results of Due Process Hearing requests. In December 2003, the SEAP asked about this. A set of questions were developed by the SEAP and DESE to try and collect some data on this. The Monitoring Committee has repeatedly sought the results of this questionnaire but has not yet received any. Early results as reported by DESE indicated that Withdrawn was a mixed bag which also included Mediation successful - Withdrawn and parties Settled - settlement ordered which have become separate resolution categories in the report. Still, Withdrawal remains a very high percentage - over 60% in all 4 years reported and over 90% for expedited hearings. More information is needed regarding these withdrawals.

CHILD COMPLAINT DATA

The first order of business is to determine which count to use. There seems to be two (2) basic totals used in the data reporting - the number of separate allegations and the number of complaints. The latter may have multiple allegations. When examining Tables 1 through 4 and 6, the committee finds four (4) types of totals are used

Table 1: Part B Child Complaint Status by Fiscal Year filed and Table 2: part B Child Complaint Decision Timelines reports "Total Complaints." But because the first also reports the number of complaints withdrawn, the totals are different. Table 3: Part B Child Complaint Allegations Percentage by Category and Table 4: Part B Child Complaint allegations by Main Category report all allegations regardless of whether they resulted in a decision or not. While Table 6: part B Child Complaint Allegations by Compliance Status reports only those allegations which resulted in a decision. Therefore, there are four (4) different totals reported for each fiscal year - total number of complaints filed, total number of complaints filed minus those withdrawn, total number of allegations filed, and total number of allegations which resulted in decisions. This is quite confusing, even with the explanatory notes. Perhaps the following table format will assist with this confusion.

Table C: Part B Child Complaints and Allegations by Fiscal Year and Results

	SFY02	SFY03	SFY04	SFY05	SFY06
Total Complaints filed	122	150	154	107	
-Complaints withdrawn	10	13	9	17	
Total Allegations Filed	403	485	443	299	
-Allegations Withdrawn*	63	91	63	59	
Total Decisions Rendered	340	394	380	240	
In Compliance	239	301	264	178	
Out of Compliance	101	93	116	62	
(% Out of Compliance)	(29.71)	(23.60)	(30.53)	(25.83)	

* *Allegations Withdrawn includes allegations within the complaints withdrawn as well as individual allegations from complaints which were not withdrawn*

This combines the data presented in tables 1 and 6 and sow the different totals so they make some sense.

Tables 3 and 4 deal with the nature of complaints by placing each allegation in a category. The committee suggests the inclusion of both tables with Table 4: part b Child complaint allegations by main category as the cover table with Table 3: part B Child Complaint Allegations by Category to follow to provide more detail.

Table D: the committee recommends combining tables 4 and 4a into one table. This will undoubtedly require a landscape paper format as additional columns will need to be added to each fiscal year.

Table E: The percentages seem to provide data of possible problem areas, but do not provide data on compliance/non-compliance which would provide a more precise indicator of possible problem areas. The committee suggests including percent of non-compliance as well. But, because these tables report allegations filed and compliance/non-compliance report decisions rendered, the tables will be dealing with two (2) different totals and may be confusing. In addition, this would require the addition of another column for each fiscal year, making the table quite cumbersome. Perhaps a third table needs to report the compliance/non-compliance data using the other totals of allegations resulting in decisions rather than those filed. Only one percentage needs to be reported as it would imply the second. For example, if 42.68% resulted in a decision of compliance, simple math will provide that 57.32% were found out of compliance. Therefore, the same format used for Table 4: part B Child Complaint Allegations Percentages by Category

could be used to report Part B Child Complaint decisions by Category in Compliance. Totals of decisions and percent in compliance would substitute for total allegations filed and percent of total allegations filed for each fiscal year.

The committee also requests that redacted copies of Child complaint findings be available for review by SEAP members. Much the same as redacted copies of due process decisions are provided.

Given the SEAP's charge to view the "big picture" or the state as a whole, the committee is uncertain of the value of a reports such as the Summary Report - Child Complaint and Due Process by RPDC. The mixing of both Child Complaint data with Due Process data weakens the data. The manner in which the data is formatted also causes confusion. This report needs further work.

ATTACHMENT

Attached is a sample Due Process and Child Complaint Data Report for those who need a more concrete example.

DUE PROCESS DATA

Table A: Due Process Status by Fiscal Year Filed

	SFY02	SFY03	SFY04	SFY05	SFY06
Total Received	70	96	96	88	
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Parties Settled, settlement ordered	4	5	1	3	
Withdrawn	46	64	58	60	
Pending	0	0	3	8	

A second similar table can be provided for Expedited Hearings

INSERT table 8: Due Process Initiated By and Table 8a: Expedited Due Process initiated By

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Table B: Due Process Hearing Decisions by Fiscal Year Decision rendered

	SFY02	SFY03	SFY04	SFY05	SFY06
Total Hearing Decisions	11	14	13	10	
Decision rendered SFY 02	6				
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Decision rendered SFY04	1	6	5		
Decision rendered SFY05			6	6	
Decision rendered SFY06			2	4	
Decision rendered SFY07					

INSERT data regarding Due Process timelines and disposition of requests as discussed in report and yet to be developed

CHILD COMPLAINT DATA

Table C: Part B Child Complaints and Allegations by Fiscal Year and Results

	SFY02	SFY03	SFY04	SFY05	SFY06
Total Complaints filed	122	150	154	107	
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In Compliance	239	301	264	178	
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(% Out of Compliance)	(29.71)	(23.60)	(30.53)	(25.83)	

** Allegations Withdrawn includes allegations within the complaints withdrawn as well as individual allegations from complaints which were not withdrawn*

INSERT Table 2: Part B Child Complaint Decision Timelines

INSERT Table D: Part B Child Complaint Allegations and Percentage by Main Category which is a combined table of table 4 and table 4a. It will probably need to be presented landscape.

INSERT Table 3: Part B Child Complaint allegations Percentages by Category.

Table E: Part B Child Complaint Decisions Compliance Percentage by Category*

[illegible]

0720	Provision of Notice: Timelines										
0900	Parent Participation										
0910	Parent Participation: Evaluation/Reevaluation										
0920	Parent Participation: Eligibility Determination										
0930	Parent Participation: IEP										
0940	Parent Participation: Placement										
1000	ESY										
1100	Personnel										
1200	Transition										
1210	Transition: Part C										
1220	Transition: Post Secondary										
1300	FERPA										
1310	FERPA: Confidentiality										
1320	FERPA: Access to Records										
1400	Discipline										
1405	Discipline: Behavior Intervention Plan (BIP)										
1410	Functional Behavior Assessment (FBA)										
1415	Discipline: Suspension/Expulsion										
1500	IEE										
1600	Transfer Procedures										
1700	Due Process										
1705	Due Process: Resolution Conference										
1710	Due Process: Hearing Officer Impartiality										
1720	Due Process: Other										
1800	Provision of Procedural Safeguards										
1900	Other										
	Total Decisions:	1350	72.74%	340	70.29%	394	76.40%	380	69.47%	240	74.17%

Table E: Part B Child Complaint Decisions percentage by Category which will follow the same format as the previous table but substitute allegation decisions and percent in compliance for allegations and percent of all allegations filed. See discussion in report.